



Docket No.: 242944US3



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/662,507

Applicants: Mitsugu IWATSUBO, ET AL.

Filing Date: September 16, 2003

For: CONTAINER FOR OXIDATION DYE

Group Art Unit: 1772

Examiner: RAYFORD, SANDRA M.

SIR:

Attached hereto for filing are the following papers:

COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


J. Derek Mason, Ph.D.
Registration No. 35,270

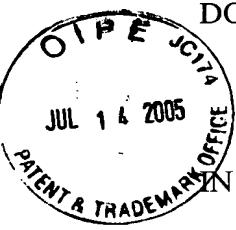
Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

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Katherine D. Pauley
Registration No. 50,607



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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

MITSUGU IWATSUBO, ET AL. : EXAMINER: RAYFORD, SANDRA M.
SERIAL NO: 10/662,507 :
FILED: SEPTEMBER 16, 2003 : GROUP ART UNIT: 1772
FOR: CONTAINER FOR OXIDATION :
DYE

COMMENTS ON EXAMINER'S STATEMENT
OF REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

The Statement of Reasons for Allowance provided at page 2 of the Notice of Allowance states that "Claim 1 covers a blow molded multilayer resin container ... which container comprises ... an oxygen barrier layer having an oxygen transmission rate of 103.mm/(m².d.Mpa) or lower." Applicants note that this oxygen transmission rate is not recited in the claims, and Applicants therefore respectfully request that a revised Statement of Reasons for Allowance be issued without reference to subject matter not recited in the claims.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

J. Derek Mason, Ph.D.
Registration No. 35,270
Attorney of Record
Katherine D. Pauley
Registration No. 50,607

22850

Tel No: (703) 413-3000
Fax No: (703) 413-2220
JDM:KDP:pja